

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**TRAVIS CENTELL BROWN
ADC # 119254**

PLAINTIFF

v.

No. 3:18-cv-220-DPM

**CATHERINE DEAN, Deputy
Prosecuting Attorney, Mississippi
County, Osceola Courthouse**

DEFENDANT

ORDER

1. Motion to proceed *in forma pauperis*, No 1, granted. Brown must pay the filing fee, but over time. 28 U.S.C. § 1915(b)(1). The Court assesses an initial partial fee of \$2.58. After the initial fee is collected, Brown's custodian must collect monthly payments from Brown's prison trust account each time the amount in the account exceeds \$10.00. These payments will be equal to twenty percent of the preceding month's income credited to the account; and they will be collected and forwarded to the Clerk of the Court until the \$350.00 filing fee is paid in full. 28 U.S.C. § 1915(b)(2). The payments forwarded on Brown's behalf must be clearly identified by case name and case number.

2. The Court directs the Clerk to send a copy of this Order to the Administrator of the Mississippi County Detention Center, 685 N. County Road 599, Luxora, Arkansas 72358.

3. The Court must screen Brown's complaint. No 2; 28 U.S.C. § 1915A. Brown alleges Dean wrongfully changed the value of the property he allegedly stole and that he was wrongfully convicted of a felony in *State v. Brown*, 17-75, District Court of Mississippi County, Arkansas. He seeks damages. No 2 at 4-5.

4. The publicly available docket confirms that Brown pleaded guilty and was convicted in his 2017 Mississippi County case. His federal claims are therefore *Heck*-barred. *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). A judgment in Brown's favor would necessarily call into question this state-court conviction; and Brown hasn't alleged that his conviction has been reversed, expunged, or invalidated. *Ibid*.

5. Brown's complaint will be dismissed without prejudice for failure to state a claim. This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g). An *in forma pauperis* appeal from this Order and accompanying Judgment will not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

26 November 2018